

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1261 Session of
2022

INTRODUCED BY ARGALL, STREET, COLLETT, KANE, SANTARSIERO,
CAPPELLETTI, COSTA, MENSCH AND BARTOLOTTA, JUNE 3, 2022

REFERRED TO AGING AND YOUTH, JUNE 3, 2022

AN ACT

1 Amending the act of November 22, 1978 (P.L.1166, No.274),
2 entitled "An act establishing the Pennsylvania Commission on
3 Crime and Delinquency, providing for its powers and duties
4 establishing several advisory committees within the
5 commission and providing for their powers and duties,"
6 further providing for definitions and for powers and duties
7 of the Pennsylvania Commission on Crime and Delinquency;
8 providing for racial impact statement for juvenile matters
9 laws; further providing for Juvenile Justice and Delinquency
10 Prevention Committee; providing for Statewide Youth and
11 Family Advisory Committee; and establishing the Juvenile
12 Nonresidential Evidence-Based Practices Fund.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 Section 1. Section 1 of the act of November 22, 1978
16 (P.L.1166, No.274), referred to as the Pennsylvania Commission
17 on Crime and Delinquency Law, is amended by adding a definition
18 to read:

19 Section 1. Definitions.

20 The following words and phrases when used in this act shall
21 have, unless the context clearly indicates otherwise, the
22 meanings given to them in this section:

23 * * *

1 "Legislation." Any of the following that substantively
2 amends a provision of 42 Pa.C.S. Ch. 63 (relating to juvenile
3 matters) or that may affect the juvenile justice system
4 population:

5 (1) A bill, joint resolution or concurrent resolution.

6 (2) An amendment to any of the items under paragraph
7 (1).

8 * * *

9 Section 2. Section 3 of the act is amended by adding
10 paragraphs to read:

11 Section 3. Powers and duties of the commission.

12 The commission shall have the power and its duty shall be:

13 * * *

14 (17.1) To prepare a racial impact statement under
15 section 3.1.

16 * * *

17 (19) To provide persons under 21 years of age currently
18 in the juvenile justice system who are serving on the
19 Juvenile Justice and Delinquency Prevention Committee or the
20 Statewide Youth and Family Advisory Committee with a letter
21 of completion or participation to be sent to their county
22 juvenile probation officer or county court to be considered
23 in their case.

24 (20) To administer funds appropriated by the General
25 Assembly based on savings due to reduced spending on
26 placements for children adjudicated delinquent under 42
27 Pa.C.S. Ch. 63 (relating to juvenile matters), as enumerated
28 under section 8.2.

29 Section 3. The act is amended by adding a section to read:
30 Section 3.1. Racial impact statement for juvenile matters laws.

1 (a) Duties.--If legislation is introduced, the commission
2 shall complete a racial impact statement upon request of a
3 member of either house of the General Assembly.

4 (b) Requirements.--The racial impact statement shall
5 determine the impact, if any, that the legislation may have on
6 the racial and ethnic composition of the juvenile justice system
7 population. The racial impact statement shall be impartial,
8 simple and understandable and shall be submitted to the General
9 Assembly in a timely manner.

10 (c) Prohibition.--Legislation for which a racial impact
11 statement has been requested under subsection (a) may not be
12 given second consideration by the house of the General Assembly
13 whose member introduced the legislation until the racial impact
14 statement is submitted by the commission for consideration.

15 (d) Contents.--For racial and ethnic groups for which data
16 are available, the racial impact statement shall include the
17 following:

18 (1) An estimate of how the legislation would change the
19 racial and ethnic composition of the juvenile justice system
20 population, including how the legislation would impact racial
21 disparities in the juvenile justice system.

22 (2) A statement of the methodologies and assumptions
23 used in preparing the estimate.

24 Section 4. Section 6(a.1) and (f) of the act are amended by
25 adding paragraphs and the section is amended by adding a
26 subsection to read:

27 Section 6. Juvenile Justice and Delinquency Prevention
28 Committee.

29 * * *

30 (a.1) Composition.--The members of the committee shall be

appointed by the Governor and shall include:

* * *

(3) A member of the Statewide Youth and Family Advisory Committee who is under 21 years of age at the time of the appointment.

(4) A member of the Statewide Youth and Family Advisory Committee representing family members of children in the juvenile justice system.

(5) A member of the Senate who is appointed by the President pro tempore.

(6) A member of the Senate who is appointed by the Minority Leader of the Senate.

(7) A member of the House of Representatives who is appointed by the Speaker of the House of Representatives.

(8) A member of the House of Representatives who is appointed by the Minority Leader of the House of Representatives.

(9) A representative from the Office of the Governor.

(10) Other relevant stakeholders as determined by the executive director.

* * *

(f) Powers and duties.--The Juvenile Justice and Delinquency Prevention Committee shall have the power, and its duty shall be:

* * *

(9) To issue an annual report on the implementation of juvenile justice reforms that shall include:

(i) Data from every county in the Commonwealth related to performance measures of system outcomes, including all of the following:

1 (A) Referral, diversion and disposition data
2 Statewide and by county, including the source of the
3 referrals, the share of written allegation diverted
4 from court, information on the offense, prior history
5 of delinquency and criminogenic risk levels for
6 children committed and the reasons provided by the
7 court for committing children.

8 (B) Data related to the technical violations of
9 supervision that are not a new offense, including the
10 share of children removed from home for a technical
11 violation and the number of children for whom the
12 court extends supervision due to a technical
13 violation.

14 (C) Data on the length of time children spend in
15 the juvenile justice system, including the total time
16 spent under court jurisdiction, on community
17 supervision and in each out-of-home placement.

18 (D) Data related to assessing disparities at key
19 stages of the juvenile justice system, including the
20 stages described under clauses (A), (B) and (C), by
21 age, gender, race, ethnicity, disability and other
22 demographics.

23 (E) Any other performance measures related to
24 implementation of evidence-based practices and
25 programs in this Commonwealth.

26 (ii) Recommendations when further juvenile justice
27 reforms are needed based on performance measurement data.

28 * * *

29 (h) Compensation.--Each member of the committee who is under
30 21 years of age shall receive compensation for participation on

the committee. The amount of the compensation shall be
determined by a majority vote of the members of the committee.

Section 5. The act is amended by adding sections to read:

Section 6.3. Statewide Youth and Family Advisory Committee.

(a) Establishment.--The Statewide Youth and Family Advisory
Committee is established within the commission.

(b) Composition.--The executive director under section 2
shall be responsible for appointing members to the Statewide
Youth and Family Advisory Committee. The committee shall consist
primarily of young people with current or former involvement in
the juvenile justice system and their family members, including
at least two members under 21 years of age at the time of the
members' appointments, at least two members representing the
family members of children in the juvenile justice system and no
more than three members representing professionals who work with
children in the juvenile justice system.

(c) Powers and duties.--The Statewide Youth and Family
Advisory Committee shall:

(1) Review and provide recommendations for counties' use
of alternatives to out-of-home placement for delinquent
children.

(2) Review and provide recommendations for counties' use
of alternatives to court referral.

(3) Review and provide recommendations for payments to
counties for services to delinquent children.

(4) Develop a yearly report detailing the information
under paragraphs (1), (2) and (3) to provide guidance for
county-level advisory groups and other organizations
concerned with the quality of juvenile justice.

(5) Recommend members to be appointed by the Governor to

1 serve on the Juvenile Justice and Delinquency Prevention
2 Committee under section 6.

3 Section 8.2. Juvenile Nonresidential Evidence-Based Practices
4 Fund.

5 (a) Establishment.--The Juvenile Nonresidential Evidence-
6 Based Practices Fund is established in the State Treasury.

7 (b) Calculation and sources.--

8 (1) The following shall apply:

9 (i) Prior to the end of fiscal year 2022-2023, the
10 commission shall submit to the chair and minority chair
11 of the Judiciary Committee of the Senate, the chair and
12 minority chair of the Judiciary Committee of the House of
13 Representatives and the State Treasurer a calculation of
14 State funds saved due to reductions in the population of
15 children sent to out-of-home placement for delinquency
16 adjudications between fiscal year 2020-2021 and fiscal
17 year 2021-2022.

18 (ii) Beginning in fiscal year 2023-2024, and each
19 fiscal year thereafter, the commission shall annually
20 submit to the chair and minority chair of the Judiciary
21 Committee of the Senate, the chair and minority chair of
22 the Judiciary Committee of the House of Representatives
23 and the State Treasurer a calculation of State funds
24 saved due to reductions in the population of children
25 sent to out-of-home placement for delinquency
26 adjudications between the prior fiscal year and fiscal
27 year 2021-2022.

28 (iii) Each calculation submitted under this
29 paragraph shall be transmitted to the Legislative
30 Reference Bureau for publication in the Pennsylvania

Bulletin.

(2) The sources of the fund are as follows:

(i) A transfer of the total State funds saved due to reductions in the population of children sent to out-of-home placement for delinquency adjudications between fiscal year 2020-2021 and fiscal year 2021-2022, which shall be made by the State Treasurer as soon as practicable following the effective date of this section.

(ii) Beginning with fiscal year 2023-2024 and each fiscal year thereafter, the total State funds saved due to reductions in the population of children sent to out-of-home placement for delinquency adjudications between the immediately prior fiscal year and fiscal year 2021-2022.

(iii) Appropriations.

(iv) Money from any other source.

(v) Return on the money in the Juvenile Nonresidential Evidence-Based Practices Fund.

(c) Nonlapse.--The money in the Juvenile Nonresidential Evidence-Based Practices Fund is continuously appropriated into the Juvenile Nonresidential Evidence-Based Practices Fund. The appropriation shall not lapse at the end of any fiscal year.

(d) Use.--The Juvenile Nonresidential Evidence-Based Practices Fund shall be administered by the commission as follows:

(1) The commission may not use any money in the Juvenile Nonresidential Evidence-Based Practices Fund to cover administrative costs of the commission.

(2) The money in the Juvenile Nonresidential Evidence-Based Practices Fund shall be used to expand nonresidential

1 alternatives to detention or placement for persons under 21
2 years of age alleged or adjudicated delinquent, including:

3 (i) Increased grant-in-aid to better incentivize
4 county probation compliance with Juvenile Court Judges'
5 Commission standards and to ensure monitoring of system
6 data to measure performance metrics.

7 (ii) Diversion services, including for services as
8 part of diversion, informal adjustment and consent
9 decrees.

10 (iii) Nonresidential and evidence-based alternatives
11 to out-of-home placement for persons under 21 years of
12 age adjudicated delinquent.

13 (iv) Regionalized State contracts to ensure that
14 children in every county may access evidence-based
15 nonresidential programs to reduce recidivism.

16 (v) Expansion of nonresidential services to address
17 young people's needs that are not otherwise supported by
18 other funding streams.

19 (vi) Disbursals to a restitution fund established by
20 the court of common pleas under 42 Pa.C.S. § 6352(a)(5)
21 (relating to disposition of delinquent child) to assist
22 victims of crime in accordance with that section.

23 (e) Administration.--

24 (1) The commission shall set eligibility criteria for
25 counties to apply for funding from the Juvenile
26 Nonresidential Evidence-Based Practices Fund.

27 (2) Any service that is initially funded by the
28 commission shall be eligible for reimbursement through the
29 Department of Human Services needs-based budgeting process
30 under section 709.1 of the act of June 13, 1967 (P.L.31,

1 No.21), known as the "Human Services Code."

2 Section 6. This act shall take effect in 60 days.